

CF 102

SINGLE SENON

IN THE HIGH COURT OF JUDICATURE AT BILASPUR (CHHATTISGARH)

WRT PETITION No. 197 OF 2007

PETITIONERS:-

1. M/s. Suleman Yusuf, Prop/Partner Sri Suleman Yusuf, son of (not known), coconut merchant, Sri Jagannath Trust building, Gudiyari, Raipur (C. G)

2(a) Smt. Hamida Bano, widow of Suleman.

(b) Irfan, son of late Suleman.

(c) Intiaz, son of late Suleman.

(d) Akaram, son of late Suleman.

2(a) Smt. Asma Bano, aged about 25 years, wife of Mohd. Amiz, resident of Hasankapada Manzil, station road, Dhauraji (Gujarat).

2(b) Shugufa Bano, aged about 23 years, wife of Mohd. Hamza, 106 Aman Society, Surat (Gujarat).

2(c) Mahfooja Bano, aged about 33 years, wife of Abdulla Gaffar, resident of E.W. S. 441 Vaishalinagar, Bhilai, dist. Durg (C. G).

2(d) Smt. Amina Bano, aged about 29 years, wife of Abdulla Gaffar, resident of E.W. S. 442 Vaishalinagar, Bhilai, dist. Durg (C. G)



Versus

RESPONDENTS:-

1. Sri Jagannath Mandir Trust registered under the M.P. Public Trust Act through Sri Deo Kishan Tapadiya, aged about 70 years, son of late Mulraj Tapadiya, resident of Gudiyari, Tah: & Dt: Raipur (CG)

2. Deo Kishan Tapadiya, aged about 70 years, son of late Mulraj Tapadiya, resident of Gudiyari, Tah. & Dt. Raipur (C. G)

RESPONDENTS :-

3. Satyanarayan Jayas, aged about 50 years, son of Ganeshram Jayas, resident of Gudiyari, Raipur.
4. Purushottamlal Sharma, aged about 36 years, son of Loonkaran Sharma, resident of Gudiyari, Raipur.
5. Om Prakash Daga, aged about 50 years, son of Bansidhar Daga, resident of Gudiyari, Raipur.
6. Ram Manorath Agrawal, aged about 60 years, son of Trilokinath Agrawal, resident of village Arang, dist. Raipur.
7. Dhannalal Goenka, aged about 48 years, son of Laxminarayan Goenka, resident of Gudiyari, Raipur.
8. Jagdish Prasad Lahoti, aged about 42 years, son of Ratanlal Lahoti, resident of Gudiyari, Raipur.
9. Radheshyam Agrawal, aged about 45 years, son of Satyanarayan Agrwal, resident of Gudiyari, Raipur.
10. Jagdish Prasad Pogaliya, aged about 65 years, son of Banshidhar Pogaliya, resident of Gudiyari, Raipur.
11. Sohanlal Tapadiya, aged about 62 years, son of Mulraj Tapadiya, resident of Gudiyari, Raipur.
12. Suresh Agrawal, aged about 38 years, son of Jagdish Agrawal, resident of Gudiyari, Raipur.
13. Ramavatar Agrawal, aged about 38 years, son of Madanlal Agrawal, resident of Gudiyari, Raipur.

WRIT PETITION UNDER ARTICLE 227 OF THE CONSTITUTION OF INDIA

DETAILS OF THE PETITION

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.(C).197/07 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	8.2.2007 Dr. Shailesh Ahuja, Advocate for the petitioners. Heard. This petition is directed against the order of Annexure P-2 dated 8.11.2006 whereby the application of the petitioners filed under Order 13 Rule 20 of CPC has been rejected by the learned 2nd Civil Judge, Class-II, Raipur. The grievance of the petitioners is that vide order of Annexure P-3 dated 8.2.2006 the court below had summoned Revenue Inspector Shri Manoj Joshi as witness and directed him to come with the record. The above witness appeared in the Court in pursuance of that summon, but without record. In these circumstances, the above application was filed by the petitioners/defendants and the same has been rejected by the court below with an observation that the certified copy of document relied upon by the defendants is already present on record and therefore, there is no necessity to summon the original record. I have heard learned counsel for the petitioners and perused the impugned order. The reason assigned by the court below for rejecting the application suffers with no infirmity and no prejudice is likely to cause the petitioners because of above order. Therefore, the petition is liable to be dismissed and it is dismissed at the admission stage itself. Consequently, M.W.P. No.409/07 also stands dismissed.	

Sd/-
Dhirendra Mishra
Judge

P.T.O.